**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD.**

**HON'BLE SRI JUSTICE V.V. S. RAO**

**Writ Petition No. 21774 of 2005**

Dated: 7th October 2005

Between:

Smt.Yeleti Venkata Lakshmi Siva Ganga Padhavathi

... Petitioner

And

Mandal Revenue Officer,

Jaggampeta, Jaggampet Mandal,

East Godavari District & 2 others.

... Respondents

**Oral Order:**

The petitioner is the wife of late Mohana Krishna Kondala Rao, who is the son of Pama Raju. The said Padma Raju was allegedly having a patta in respect of Acs. 573.83 in S.No.353 of Mallisala Village in Jaggampeta Mandal, East Godavari District. It was part of Katrevulapalli Estate, which was notified by the Government in G.O.Ms.No.2216, Revenue, dated 11-8-1950 under the A.P. (Andhra Area) Estates Abolition Act, 1948 (for short

'the Act'). The petitioner alleged that she and her predecessors were in possession of ryoti land admeasuring Acs.170. Out of the said land, the Estate Settlement Officer issued patta to an extent of Acs.75.00. After grant of patta, the family acquired another extent of about Acs.90.00 in S.No.351 and 353 of Mallisala Village, out of which an extent of Acs.46.00 devolved on petitioner's husband, which she is allegedly in possession.

The Estate Settlement Officer, the second respondent herein, considered the claims of 27 persons in respect of the land comprising in S.No.353. One Yeleti Gopalakrishna of Samalkot, who is the brother of petitioner's husband, was the first claimant. After considering the claim of various persons, the Settlement Officer by proceedings dated 17-4-2001 in Case No.F1/247/2001 held that Yeleti people got title for Acs.75 only in S.No.353 and declared the remaining area of Ac.500.83 in S.No.353 of Mallisala Village as Government Hill Poramboke. Aggrieved by the proceedings of the Settlement Officer, Yeleti Gopalakrishna filed an appeal under Section 15 (2) of the Act before the Estates Tribunal-cum-the Court of District Judge, Rajahmundry. By an order dated 2-9-2005 the learned Tribunal affirmed the orders of the Settlement Officer and dismissed the appeal holding that Yeleti family is entitled to patta for land admeasuring Acs.75 in S.No.353 of Mallisala Village.

Neither the petitioner herein nor her husband is party to the proceedings before the Settlement Officer or before the District Court. She contends that she is entitled to an extent of Acs.46 of land in S.Nos.351 and 353, which devolved on her. It is also her contention that the land to an extent of over and above Acs.75 in respect of which Settlement Officer granted patta was subsequently acquired is not the subject matter of the judgment of the Estates Tribunal and that the same is not binding on her, as she is not a party to the proceedings, and therefore, she seeks a declaration to invalidate the proceedings of the Settlement Officer where the right to patta was denied. The learned counsel for the petitioner Sri Challa Dhananjaya has reiterated these submissions.

The learned Assistant Government Pleader for Revenue (General) strongly relied on the declaration filed by Yeleti Gopalakrishna under A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 to contend that the

petitioner belongs to Yeleti family, which filed a declaration only to the extent of Acs.75 under the Land Reforms Act and, therefore, the petitioner being a member of Yeleti family cannot claim more than what was granted. He would also submit that initially the patta was granted for an extent of
Acs.75 and the Yeleti family or the petitioner did not file any representation or appeal against the said order and, therefore, a ryotwari passbook was granted in 1979 in favour of Yeleti Padmaraju. The learned Assistant Government Pleader has taken this Court to the relevant passages of the judgment of the learned Estates Tribunal.

A reading of the judgment of the District Court would show that the appellant therein was concerned mainly with the land in S.No.353 for which patta was denied by the Settlement Officer for the entire extent claimed. Further, even the old patta No.399, which was granted to Padmaraju by reason of which a ryotwari passbook was also granted, was only concerned with the land in S.No.353. The petitioner in this writ petition, however, contended that Yeleti family purchased/acquired other lands after grant of patta (presumably old patta No.399) and the same is not adjudicated by the Settlement Officer or the District Judge. If that be the controversy, the petitioner who was not a party to the proceedings before the Settlement Officer, can as well agitate the matter before the Director of Settlements, Government of Andhra Pradesh under Section 5 (2) of the Act. The petitioner has not availed the remedy and approached this Court challenging the proceedings of the Settlement Officer, as confirmed by the District Judge. As there are questions of fact involved in this, it would be better if the petitioner at the first instance approach the Director of Settlements for redressal.

Accordingly, without expressing any opinion on the merits of the case and the right of the petitioner to get patta for Acs.46 in S.Nos.351 and 353, the writ petition is disposed of giving liberty to the petitioner to approach the Director of Settlements within a period of two weeks from the date of receipt of this order and avail a revision under Section 5 (2) of the Act. In such an event, the Director of Settlements may consider the case in accordance with law and decide the question whether the petitioner’s family or the predecessors in title acquired land in S.Nos.351 and 353 in respect of which she now claims patta.

**(V.V.S. Rao, J)**

7th October 2005

svs